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PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND NINE HUNDRED AND SEVENTY-SEVENTH MEETING (PART I)

Held at Headquarters, New York,
on Wednesday, 13 February 1991, at 3.30 p.m.

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| President: | Mr. MUMBENGEGWI | (Zimbabwe) |
| Members: | Austria | Mr. HOHENFELLNER |
| | Belgium | Mr. NOTERDAEME |
| | China | Mr. LI Daoyu |
| | Côte d'Ivoire | Mr. ANET |
| | Cuba | Mr. ALARCON de QUESADA |
| | Ecuador | Mr. AYALA LASSO |
| | France | Mr. BLANC |
| | India | Mr. GHAREKHAN |
| | Romania | Mr. MUNTEANU |
| | Union of Soviet Socialist Republics | Mr. VORONTSOV |
| | United Kingdom of Great Britain and Northern Ireland | Sir David HANNAY |
| | United States of America | Mr. PICKERING |
| | Yemen | Mr. AL-ASHTAL |
| | Zaire | Mr. BAGBENI ADEITO NZENGEYA |

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91-60354/A 4426V (E)

The meeting was called to order at 5 p.m.

EXPRESSION OF THANKS TO THE RETIRING PRESIDENT

The PRESIDENT: As this is the first meeting of the Security Council for the month of February, I should like to take this opportunity to pay a tribute, on behalf of the Council, to His Excellency Mr. Bagbeni Adeito Nzengeya, Permanent Representative of Zaire to the United Nations, for his service as President of the Council for the month of January 1991. I am sure I speak for all members of the Security Council in expressing deep appreciation to Ambassador Bagbeni Adeito Nzengeya for the great diplomatic skill and unfailing courtesy with which he conducted the Council's business last month.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION BETWEEN IRAQ AND KUWAIT

LETTER DATED 23 JANUARY 1991 FROM THE REPRESENTATIVES OF ALGERIA, THE LIBYAN ARAB JAMAHIRIYA, MAURITANIA, MOROCCO AND TUNISIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/22135)

LETTER DATED 24 JANUARY 1991 FROM THE PERMANENT REPRESENTATIVE OF YEMEN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/22144)

LETTER DATED 28 JANUARY 1991 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/22157)

Sir David HANNAY (United Kingdom): Let me begin by congratulating you, Sir, on your assumption of the presidency and by saying how much we have benefited from the way in which you have handled the informal meetings of the Council; we look forward to your presiding over formal meetings, such as the present one.

I wish also to congratulate your predecessor in that role on the extremely able way in which he chaired the Council during the month of January.

I have asked to speak because I wish to propose, in accordance with rule 48 of the provisional rules of procedure, that the Council decide now to meet in private to consider the item on the agenda which we have just adopted. This proposal, as

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members know, has as its inspiration some thoughts put forward by the representative of Austria in our earlier informal contacts. I wish to take those thoughts up and put them forward as a formal proposal now.

It is clearly right, as the provisional rules of procedure envisage, that as a general rule the Council should meet in public with open attendance and coverage by the media. But the rules of procedure also provide for private meetings in exceptional circumstances. In the view of my delegation, these circumstances are exceptional.

First, the Council has adopted a series of resolutions in response to Iraq's invasion of Kuwait, culminating in resolution 678 (1990), authorizing the use of all necessary means to uphold and implement the earlier resolutions. Military action has been undertaken by a number of Member States cooperating with the Government of Kuwait and has the backing of the Council. It has as its sole purpose the upholding of the Council's decisions.

At the same time, diplomacy is actively under way, as it has been ever since 2 August 1990, to see if there is any way to bring about a peaceful settlement of the conflict on the basis of the Council's resolutions.

The Council therefore has grave and particular responsibilities which it must take into account when deciding how it should act in the context of the present requests for a meeting. We should do nothing which could detract from the Council's unity of purpose or blur the signal that is sent to the outside world. In our view, we cannot afford to send mixed signals when that might only delay the realization that a peaceful solution to this crisis has to begin with Iraqi withdrawal from Kuwait.

This occasion here today calls for serious and careful consideration of all developments away from the glare of immediate publicity. If members or non-members of the Council have proposals to make which they believe could lead to

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implementation of the Council's resolutions and the liberation of Kuwait, it is right that they should be heard here. But, in our view, members ought to be able to explore carefully with them how those proposals will assist the Council's objectives and, above all, how they have been received by Iraq, which currently constitutes the sole obstacle to peace. All that discussion is better handled in a private meeting.

On past occasions, in the context of Western Sahara in 1975, Council members decided that the format of private meetings would best assist such exploratory discussion designed to clarify ideas and identify possible ways forward. They chose a format which enabled them to enter into a dialogue with those who participated, to ask questions and to receive answers. We believe that that format offers the right model for today's meeting.

In making this proposal, my delegation has no intention of trying to limit participation or restrict knowledge of the proceedings. We recognize that the issues are of universal interest to all Members of the United Nations. It is right that all should be free to attend the debate if they wish to do so and request to do so, and to participate. It is right too that the normal verbatim record should be taken and circulated; I have no intention of limiting and am not proposing to limit that by the use of rule 51. But we do believe that on this occasion the Council will carry out its functions better if the public aspect of the meeting - the presence of the media - does not influence or even distort the course and nature of our debate. That is the reason for the proposal I have made.

The PRESIDENT: I thank the representative of the United Kingdom for the kind words he addressed to me.

Mr. AL-ASHTAL (Yemen) (interpretation from Arabic): There is no doubt, Sir, that your are presiding over the work of the Security Council at a critical time. Nobody can envy you your position. This is a critical stage in the life of

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the Council and in international relations, and your presence in the Chair - as we have seen in our informal meetings - assures us that our business will be conducted wisely and in accordance with the rules and regulations that govern the work of the Security Council. I congratulate you most sincerely on your assumption of the presidency of the Security Council. I wish you all success during this difficult time.

I cannot fail to express my thanks to my colleague and neighbour at this table, Ambassador Bagbeni Adeito Nzengeya, who conducted the business of the Security Council during what was also a critical time, last month. His skill and wisdom testified to his great ability and rich diplomatic experience, which were evident in the way in which he conducted the Council's business.

I have asked to speak in opposition to the proposal put forward by the representative of the United Kingdom. I do so as the Council member who requested the convening of this meeting in the first place; that request was made on 24 January. I oppose the proposal also on behalf of the representatives of the Arab Maghreb States, who, in a letter dated 23 January 1991 addressed to the President of the Security Council, had also requested the convening of a meeting: the representatives of Algeria, the Libyan Arab Jamahiriya, Mauritania, Morocco and Tunisia to the United Nations. That letter was followed by letters from the delegations of Jordan and the Sudan supporting the request for a meeting. On 28 January the delegation of Cuba, a member of the Security Council, made a similar request.

My objection to the proposal that this meeting be held in private is based on the position we adopted in calling for the convening of a meeting in the first place.

(Mr. Al-Ashtal, Yemen)

Allow me to explain clearly why we oppose the Council's holding a private meeting to consider the deteriorating situation in the Gulf under the agenda item "The situation between Iraq and Kuwait".

The delegation of Yemen, as a member of the Security Council, acts consistently in accordance with the great responsibility it assumed upon becoming a member of the Council. It is in keeping with that sense of responsibility that I shall attempt to explain my delegation's opposition to transforming this meeting into a private one.

The United Nations is a democratic Organization. If there is anything that distinguished the Organization from others, it is its transparency. The Organization has no secrets. Its Charter is clear and its rules and regulations are equally so; all of its proceedings take place in public. This may have resulted from the concern felt by the founding fathers with regard to secret meetings that do not reflect public opinion - meetings in which certain agreements may be hatched in a manner inconsistent with general understanding and, in some cases, even counter to public opinion, to which we must show the deepest respect.

The first words of the Charter are "We the peoples of the United Nations." We are not just the representatives of States. The Security Council does not represent only 15 States: it represents the entire membership of the United Nations and all the peoples of the world. Hence - save in exceptional circumstances to which I shall refer later - everyone expects the Council to meet in public and in a clear and transparent manner.

The exceptions to this established United Nations tradition have been three in number. Members of the Council are familiar with them, as are, I am sure, other representatives here. In 1973 a private meeting was held to consider a draft resolution submitted by States not members of the Council, and during that meeting a statement was heard in explanation of vote, after which the meeting was adjourned.

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That meeting was attended only by members of the Security Council. A second private meeting was held in 1974 concerning the situation in Cyprus. At that meeting the present Secretary-General of the United Nations, Mr. Javier Perez de Cuellar, was presiding as his country's representative to the United Nations. It was a very short meeting, during which information was submitted by the representative of Turkey; the meeting was then adjourned. In 1975 a third private meeting of the Council was held to hear the representatives of Spain, the Western Sahara and Algeria and to address questions to those representatives on a matter pertaining to the Western Sahara at that time. As I recall, the subject was the so-called Green March. After those questions had been disposed of, the meeting was adjourned.

Today, the representative of the United Kingdom has proposed that this meeting of the Council be transformed into a private one - not for the purpose of putting questions to a delegation on the events in the Gulf or on the situation in the region in general, nor to listen to the parties concerned on any specific question in the Gulf, nor indeed to hear new information from any quarter on the situation in the region, but solely to exclude the media and to begin a series of discussions in which more than 16 Member States have so far inscribed their names to participate. Additional Members may be inscribed on the list of speakers later on. Do we need a private meeting to listen to statements by delegations that represent Members of the United Nations? Do we need a private meeting, particularly since verbatim records of the meeting will be published the following day?

Why do we need a private meeting at all? It has been said that the Council must not appear to be divided and that a public meeting might give the impression that division exists in the Council. No problem is created by difference of

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opinion. I respect all the members of the Council and the positions taken by their States, and that respect is, I am sure, reciprocated. My delegation voted against one of the resolutions adopted by the Council. What more are we therefore going to do? What is there to conceal, and from whom would we be concealing it?

We are told that a public meeting would serve propaganda purposes: to enable the media to listen to us. I would ask: Why should the media not listen while we discuss a war that is threatening international peace and security? Why can we not express what we want to express before the whole world? Have we not been doing exactly that for six months now? Have we not debated and considered questions pertaining to the Gulf on 12 occasions? Have we not adopted 12 resolutions, the last of which - one of the most important resolutions ever adopted by the Council - was discussed when this Chamber was filled with spectators and in the presence of our foreign ministers?

It is also said that we want a public meeting for domestic consumption in our own countries. Why not? Why can we not speak so that people in our countries can hear what we say?

(Mr. Al-Ashtal, Yemen)

It is well known that there is great concern in Yemen. It is well known that massive demonstrations are going on in the whole region. As officials and responsible people, we are called upon to express our point of view on this war, to seek by all means possible to contain the war and to do our utmost for the restoration of peace. Why should we not inform public opinion in our countries? Why does public opinion in the West have its value while ours is regarded as having absolutely no value? Maybe public opinion has no value when freedom is not exercised; there are a number of States where we hear of no popular reaction. But for us, when public opinion calls upon the State to do something, while we are members of the Council are we supposed to remain silent, to speak in a private meeting, just among ourselves?

It is enough to look at what is happening in the States of the Arab Maghreb, which have requested that the Council meet, to appreciate the sensitivity of the subject, the seriousness of this request and the position of others. I am speaking now, naturally, on behalf of Yemen, but I am also expressing the feelings of millions of Arabs, millions of Muslims and millions of other people the world over, who every day see on their television screens the tragedies of war and who hope that this war will cease. They hope that the problem will be solved peacefully, in a manner that ensures the independence of Kuwait, the withdrawal of the Iraqi forces from Kuwait and the restoration of Kuwait's sovereignty.

From the very first day we have said that although we are a small country we cannot tolerate the occupation or invasion of another State. We still adhere to that position, because it is in that way that we, all the small countries, defend ourselves. But we also want the crisis to be resolved by peaceful means. We have done a great deal to bring about its solution by peaceful means and in an Arab framework.

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A number of questions are being asked, not only by us but by public opinion and the media. There is nothing secret about these questions and inquiries. People ask what are the objectives of the war currently raging on the basis of resolution 678 (1990). That is a legitimate question. When we look at what is happening, when we read of the plans being made, when we see the way in which operations are taking place and when we hear the declarations and statements made by public officials, do we not have the right to ask what the objectives of those military operations are?

The Security Council has authorized the use of all means for the implementation of its resolutions. Do the words "all ... means" exclude peaceful means? Since the phrase was interpreted as meaning the use of force, does not the Council have the right to determine the framework within which force may be used? It is easy to start wars, but it is difficult to control their extent. Sometimes military commanders do not look too intently at the political objectives. The Security Council has one political objective: Iraq's withdrawal from Kuwait, the restoration of Kuwait's sovereignty and the solution of the crisis between Iraq and Kuwait and in the whole region by peaceful means.

When we see on television the military operations taking place in northern Iraq, with civilian areas being targeted, do we not have the right to ask what the objective is? Does not the Council, which adopted the resolution concerned, have the right to ask that in public? Is it not in the interest of the Council and the United Nations that the Council should be constantly scrutinized by the other Members of the United Nations and public opinion?

There are many questions about the way in which the war is being conducted and about the weapons being used. Do we not have the right to ask those questions?

Why are places so remote from Kuwait being bombed? We read in the newspapers of civilian casualties. There was an example of such a report in the

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Washington Post the day before yesterday. It was based on a Kurdish source, not an Iraqi source, because, most regrettably, there seems to be a policy in Iraq not to publicize the civilian casualties. These massive military operations cannot but lead to rampant destruction and widespread innocent civilian casualties. Therefore, I was not surprised to read in the Washington Post that Mr. Barazani had said there had been 3,000 casualties - dead and wounded - in certain parts of Sulaymaniyah alone. I was not surprised when he spoke of a bombing raid on a cement factory and a spinning and weaving mill. How does that assist in the liberation of Kuwait?

There are many questions. The event that took place today shakes the conscience of every human being. I do not believe that even the pilots who bombed the shelter, with a reported toll of 500 people, are happy with such results. No human being, on any side of the war, can fail to be disgusted at the use of force in a manner that targets the innocent and the weak and civilian installations.

There is a problem in the Gulf. An error was made by Iraq in its occupation of Kuwait. Are we to allow another error to rectify the first? Are we to allow a third-world country to be destroyed by massive forces? Where is the proportionality in that? There is no proportion in such a reaction, nor in the equipment and the power being used. Is there no other way to solve this crisis?

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Do we not have the right to call upon the Security Council to have recourse to all means to arrive at a solution? I agree with Mr. Brzezinski, who in an article published in The New York Times said that there seemed to be an insistence on the failure of diplomatic efforts. We now demand that new action be taken through diplomatic means, as is happening currently through Mr. Primakov's visit to Baghdad yesterday. We view with satisfaction that a major Power should be making such an effort in such a situation. We do not feel at all happy when the Council is relaxed, waiting for the results of this war.

I have objected to the convening of a private meeting because nothing beyond what I have just said will be said at such a meeting. We might hear an account from another side, but it will not be any more important or any clearer than what I have just stated. We believe that the Council must not remain remote from the rest of the membership of the United Nations, that no dangerous precedent be set in the history of the United Nations, while we are on the threshold of the so-called new world order, so that this Council is transformed into a secret institution.

This new world order cannot but embrace the entire world, and it cannot be installed except through the United Nations and its Charter, as well as this Council. Short of that, it will only be schemes making use of the United Nations to serve particular purposes.

We are now witnessing the United Nations and this Council giving a blank cheque for the use of force, without attempting to interpret the objectives of the law or without reviewing how the war is conducted or without follow-up on the work for peaceful efforts.

For all the above, we call for this meeting to remain a public meeting. If a private meeting is held, do I then not have the right to wonder why such a private meeting should be held and as to the intention of those who requested it. Those who requested this current meeting do not want a private meeting. What

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justification is there for a private meeting? Is there a new State member asking for the convening of such a meeting, or do we not need such a meeting and, therefore, perhaps we have to wait until agreement is reached on the convening of a public meeting?

Had it been within our power to participate even in the simplest way possible in putting forward a new idea and making a new effort towards peace through this meeting, we would have done it.

I should like to reaffirm that Yemen is constantly seeking peace in our region. It was with deep sadness that we have witnessed formations, the logic of war, the logic of confrontation, which will lead to nothing but further destruction and deprive our Arab countries of their massive wealth, which is right now being used to attack their children.

The PRESIDENT: I thank the representative of Yemen for the kind words he addressed to me.

Mr. ALARCON de QUESADA (Cuba) (interpretation from Spanish): I should like first of all to express my delegation's great pleasure at seeing you, Mr. President, guiding the meetings of our Council. You very ably represent a country - Zimbabwe - which, for various reasons, occupies a very important part in the hearts of all the people of the third world. Your assumption of the presidency, and the fair, equitable and brilliant manner in which you are discharging this responsibility, are additional evidence of the reasons why all the countries of the third world, and in particular the non-aligned countries, are happy to see Zimbabwe and President Mugabe playing a fundamental role in the promotion of the common struggle for justice. We also wish to extend our congratulations to your predecessor, who last month once again showed his talent and his long diplomatic experience.

(Mr. Alarcon de Quesada, Cuba)

My delegation too wishes to oppose the proposal put forward by the representative of the United Kingdom. I should like at the outset to point out that he referred to certain past situations in which the Council decided to meet in private. But I did not hear anything about the first such precedent, which, I believe, was also a British initiative. In 1956, at the 735th meeting of the Security Council, the Council considered the situation regarding the conflict that had arisen in connection with the Suez Canal as a result of its nationalization, to which the Egyptian Government had proceeded in exercise of its sovereign right, its being a fundamental national resource of that country.

The representative of the United Kingdom at the time spoke in the Council and explained his country's position in connection with the substance of the item that was then under consideration, and he made a similar, but not identical, proposal to the one we have heard today. I shall now quote from the official records of the Council:

> "I have been thinking, during the last day or two, of the best way for us to organize our deliberations with regard to this matter, and perhaps it may be convenient if I indicate my thoughts at this stage to my colleagues.
>
> "It seems to me that, after there has been a chance for those who wish to state their views in public session, it might be a good thing for this Council to move into private session. I would hope that we might reach that point some time on Tuesday, 9 October, perhaps. That would give us an opportunity to consider the next steps in a less formal atmosphere." (735th meeting, paras. 94 and 95)

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The representative of the United Kingdom put this idea forward on 5 October 1956. During the following four days the Security Council continued to meet and heard all those who wished to speak in public meetings, before the Council proceeded to hold a private meeting.

In that connection, I should like to say, first, that it is regrettable that on this occasion the United Kingdom representative has not pointed to that very valuable precedent. At the very least, that would have served as a kind of courteous apology to a group of non-members of the Council that quite some time ago asked for a meeting of the Council.

It has been said that we should try to avoid giving the impression that we are divided or that there is a lack of cohesiveness in the Council. But how can we avoid giving that impression when we have just adopted an agenda that could not be more revealing? It reads: "The situation between Iraq and Kuwait", and it refers to three letters: the letter of 23 January 1991 from the representatives of the Maghreb States, the letter of 24 January 1991 from the representative of Yemen, and the letter of 28 January 1991 which I addressed to the President of the Security Council.

In any event, what is said at this meeting will inevitably remain in the records of the Security Council. No matter how much anyone may wish to disregard the facts, it will be obvious to all that for the past three weeks the Security Council has been confronted by a situation which, to say the least, is very unusual.

In this respect, I should like to recall at this meeting of the Council the view expressed by the United States Government on 21 April 1966, in regard to a situation that does not even remotely relate to this inexplicable delay in convening the Security Council. The then representative of the United States, Ambassador Arthur Goldberg, deemed it necessary to send an official letter to the

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President of the Security Council and to ask that it be circulated as an official document of the Council. That is why I have a copy of it before me. I think that, as a colophon to this story about the Council's inability to meet in the midst of a war that is of concern to everyone - at least to everyone except, it would appear, the Security Council, so far - it is important to recall what Ambassador Goldberg said on that occasion, when the Security Council, in the opinion of the United States, was not being convened as quickly as it should have been to consider a question that it should have been considering and that, I repeat, did not even remotely resemble the one before us now. This is what Ambassador Goldberg said in his letter of 21 April 1966:

"The Security Council is given primary responsibility for the maintenance of international peace and security, according to Article 24 of the United Nations Charter, 'in order to ensure prompt and effective action'. It is required by Article 28 to be 'so organized as to be able to function continuously'. These two Articles established the responsibility of the Council to be available for emergency action to maintain peace and security. The provisional rules of procedure of the Security Council are designed and must be interpreted so as to ensure that the Council can fulfil the responsibilities these Articles place upon it.

"The dominant paragraph of the provisional rules of procedure of the Security Council accordingly is rule 2, which states that 'The President shall call a meeting of the Security Council at the request of any member of the Security Council'. The rule is mandatory and does not give the President the choice of convening or not convening the Council when a member so requests. This has been made clear on numerous occasions. ...

"Even if a majority of Council members are opposed to a meeting, the meeting must be held. Those members opposed to the meeting may express their

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views on the agenda when the meeting is convened, may seek to adjourn the meeting, or to defeat proposals submitted to it, but the President is bound to convene the Council on a request under rule 2, unless that request is not pressed.

"Subject to rule 2, the President is given, under rule 1, the authority and responsibility to set the time of a meeting. In so doing, the President acts not as a representative of his country but as a servant of the Council, and he does not exercise an arbitrary or unfettered discretion. His decision must be related to the requirements of Articles 24 and 28 of the Charter and of rule 2 of the provisional rules of procedure, and to the urgency of the request and situation. A request for an urgent meeting must be respected and decided upon on an urgent basis, and the timing established responsive to the urgency of the situation." (S/7261, paras. 1, 2 and 3)

The letter is of course much longer. I recommend it to anyone wishing to know more about how the major Powers interpreted the Charter and our rules of procedure in other circumstances.

The fact of the matter is that, for reasons I do not need to go into now, on the twenty-eighth day of the war the Council is meeting for the first time - despite the efforts that have been made and the specific requests that have been put forward for some time not only by members of the Security Council but by other Members of the United Nations, on whose behalf it is to be assumed the members of the Council act.

I am sure that, like me, all representatives have received not one, not two, not three but many letters from persons who do not represent Governments, who do not represent States but who are part of the "peoples of the United Nations". Of course I shall not cite all the letters I have received. I shall mention only

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those from four religious organizations of this country and other countries, as well as international religious organizations, that I have received today. They all remind us of the same thing: that the Security Council has certain obligations vis-à-vis world peace; that the Security Council has obligations vis-à-vis the children and women, the civilians who are losing their lives now; that the Security Council has an unshirkable responsibility under the Charter to act in order to restore peace, and to do so as a matter of the greatest urgency.

(Mr. Alarcon de Quesada, Cuba)

I should like briefly to quote from a letter from a person who represents no one, no church, no government. She says:

(spoke in English)

"I hold no political office, I seek no recognition, advocate no particular religion. I am but a simple mother with a simple request."

(spoke in Spanish)

Her letter is very simple, very brief:

(spoke in English)

"I ask of you, Sir, to please do as much as you can, as quickly as you can, to end the violence. Please put yourself in the place of a mother. A mother will protect her children in every way she knows how. We are all someone's child."

(spoke in Spanish)

Mrs. Kath Emelianoff of South Carolina, in the United States, wrote this letter. I think the language is very simple. She has certainly reminded us all that we do not have the right to ignore certain of our elementary obligations, such as to act in response to such demands.

Of course, a State has the right to ask that this organ meet as a matter of urgency; it does not have the right to shirk such a request. But this body also has an obligation to show a certain sensitivity to requests that may come from anywhere. And now, finally, thanks above all to your leadership, Mr. President, and to the manner in which you have conducted the proceedings of the Council, which deserves the gratitude and appreciation of all the Members of the United Nations, the Security Council seems to remember that rule 2 exists. But even now, having reached this stage, the principal problem is that this kind of shameful outcome of our unshirkable obligation to meet is taking place without anyone knowing about it, without there being any witnesses, without representatives of other Governments

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being able to participate, without representatives of the press being present - and they are, after all, those who can convey to this lady from South Carolina, for example, or the many others writing to us every day, a message of encouragement, such as "Well, at least the Security Council is considering the possibility of restoring peace."

My delegation is categorically opposed to the idea of this meeting's taking place in these circumstances, behind closed doors, simply because the Security Council has for six-and-a-half months been considering the same subject with all the publicity one could possibly imagine. We have met here on 12 occasions to adopt 12 resolutions in front of the television cameras, before live radio microphones, in the presence of dozens of newspapermen, and on every occasion in response to those who had asked for a meeting of the Council.

Before the press, with all the publicity required, the Council adopted resolution 660 (1990), which had the full support of my delegation. It was a resolution that did reflect the unanimous opinion of the members of the Council, and I would say expressed a universally supported view that the independence and sovereignty of Kuwait should be respected and restored, and that the occupation of that territory should cease as soon as possible.

Resolution 661 (1990) was also adopted with full publicity. But let us not be deceived. That resolution did not receive the endorsement of all delegations. Quite clearly it did not. Before the same cameras, which were at that time not considered an obstacle, we put forward our views. At that time we did not believe - and indeed we still hold the same view - that such action was justified. We thought the Council acted over-hastily at a time when the Iraqi authorities were saying they would initiate the withdrawal of their troops from Kuwaiti territory. The representative of Iraq confirmed that here because an important meeting of Heads of Arab States was about to take place. The economic sanctions imposed by

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resolution 661 (1990) were unparalleled in the history of the United Nations. They were so all-encompassing, so complete, that in effect they represented a double standard from the Security Council. Throughout its history, the Council had never done anything similar, even when there were invasions of small countries by major powerful neighbours or when foreign territories had been occupied through the use of force. Territories occupied by Israel can continue to be occupied without the Council's feeling obliged even to consider Chapter VII. Panama and Grenada can be invaded by a powerful neighbour without the Council's even considering any kind of sanctions. Southern Lebanon can continue to be occupied. Many other such cases might come to anyone's mind.

The Council's inconsistency and its hasty action - we made this point cogently at the time - indicated the will of one particular Power and its determination to use the conflict that had been created with the occupation of Kuwait by Iraq for purposes having nothing to do with the restoration of Kuwaiti independence but rather to create the basis for military intervention in the region.

In the full glare of publicity, two weeks later the Council adopted resolution 665 (1990). Have we forgotten that before its adoption there was a debate? We did not all say the same thing. In that debate my delegation drew attention to the fact that the Council had not even waited to receive the first report of the Secretary-General on the manner in which the economic sanctions in resolution 661 (1990) were being implemented.

I wondered whether my colleagues had forgotten that in resolution 661 (1990), which Cuba did not vote in favour of, inter alia, the Secretary-General had been requested to present his first report on the manner in which the sanctions were being implemented one month after the adoption of resolution 661 (1990). This Council, with all the television cameras running, without any justification, had to adopt a resolution two weeks before the date on which the Secretary-General was to

(Mr. Alarcon de Quesada, Cuba)

submit his report! My delegation criticized that resolution most harshly because it implied authorization of the use of naval forces already deployed in the region without this Council's having discussed that. But the naval units could not interrupt their exercise in the area and carry out an economic embargo, the strict fulfilment of which had not been questioned by anyone. In respect of the resolution's implementation, we had requested the Secretary-General to submit a report two weeks later. But no one was courteous enough to wait for our Secretary-General's assessment before allowing the use of military units for the alleged implementation of the embargo.

(Mr. Alarcon de Quesada, Cuba)

My delegation detected a clear violation of the Charter of our Organization in that resolution. Seeds were sown in that moment that have now borne bitter fruit. Two principles have apparently taken hold in the work of the Council - principles now in vogue in a few countries and which some Governments seem to admire: "deregulation" and "privatization". The Council very quickly forgot that in order to authorize the use of military force in accordance with the Charter, there is a specific procedure that must be followed. The Council must also assume authority when that is done and a certain monitoring must take place. The rules were set aside and certain States were empowered to act on their own initiative. In other words, they were authorized by the United Nations to "privatize" the use of armed force. Finally, in the full glare of publicity, with all the television cameras of the world rolling, the Security Council adopted resolution 678 (1990), which was a culmination of the process of deregulating and privatizing the Council's essential activities.

Resolution 678 (1990) authorized some to use whatever means they felt necessary without the Council taking the steps clearly laid down in the Charter regarding the use of military force. But at least the final paragraph of that resolution states that the Council will remain seized of the matter.

Some day, one of my colleagues who have so eagerly supported these 12 Security Council resolutions should kindly explain to the representatives of public opinion, of the peoples of the United Nations, the strange phenomenon of this body being used on 12 occasions to lay the foundations of so serious a thing as war, as scores of people throughout the world remind us every day - of this war supposedly being conducted pursuant to the Council's resolutions, and of this august body, in a majestic display of its sense of responsibility, remaining aloof ever since the war began.

(Mr. Alarcon de Quesada, Cuba)

I believe that mankind requires some sort of explanation of this curious phenomenon.

The Security Council has been used as a kind of glove. When it so suits us, we put it on and use it for certain purposes; when it becomes a bother we simply take it off and throw it away. That will be the unfortunate plight of the Security Council unless it confronts the specific situation that has been created in the Gulf, unless it deals with the war's development in the way only it can do: in the same manner as it discussed and adopted all past resolutions - in public, in the full view of all of those who represent the peoples of the United Nations. Just as in similar public circumstances in the past, we would not all be saying the same thing or taking the same approach, but at least some Members of the Organization would have an opportunity to exercise their right to speak out - to speak to world public opinion and express whatever concerns, anxieties and ideas they might have.

In my delegation's opinion, this meeting is finally beginning, though at a time too far removed from when it was first requested and at the risk of being immediately diverted from the public light, as is preferable to some. Yet my delegation believes that it is our obligation and duty to continue to follow this problem as we have done in the past, especially now that war has broken out in the region. We have every obligation in the world to consider the extent to which events in the military arena truly correspond to the authorization of the United Nations or whether they far exceed it. We must consider - as churches, cultural institutions, individuals and simple citizens of the world request us to do - the tragedy that is being imposed on thousands of civilians, particularly women and children, who are being subjected to the most ferocious and relentless bombing. We must consider, for example, to what extent Security Council resolution 678 (1990)

(Mr. Alarcon de Quesada, Cuba)

is in line with certain other resolutions, not those of the Security Council but of a body that some may feel lacks a certain importance: the General Assembly of the United Nations.

The General Assembly, on 4 December 1990 - six days after the adoption of Security Council resolution 678 (1990) - adopted a resolution that is very pertinent to our current discussion. The resolution refers to armed attacks that could take place on nuclear facilities. One hundred and forty-one Members of the United Nations voted in favour of that resolution. One Member voted against it - I will let members of the Council check the records to see who it was, though I do not believe it will be difficult for anyone here to guess. Among the 141, there were many States belonging to the so-called coalition that is at present waging war against Iraq, as well as all the States in the Gulf region and a number of members of the Security Council, including some who voted in favour of resolution 678 (1990) and even some who co-sponsored it.

What does General Assembly resolution 45/58 J say? In operative paragraph 1, it says that the General Assembly:

(spoke in English)

> "Recognizes that an armed attack or a threat of armed attack on a safeguarded nuclear facility, operational or under construction, would create a situation in which the Security Council would have to act immediately in accordance with the provisions of the Charter of the United Nations, including measures under Chapter VII" (General Assembly resolution 45/58 J).

(continued in Spanish)

I infer from that decision that when my colleagues the coalition members of the Council adopted resolution 678 (1990) a week before the adoption of

(Mr. Alarcon de Quesada, Cuba)

resolution 45/58 J they were voting in favour of the use of all necessary means against Iraq, but ruling out any attack on nuclear facilities, operational or in construction. That must have been their intent or they would not have voted in favour of that resolution, as did the overwhelming majority of Members of the Organization.

(Mr. Alarcon de Quesada, Cuba)

Another document, conveyed to the President of the Council by the representative of the United States, contains the transcript of a 23 January press conference given by the United States Secretary of Defense and the Chairman of the United States Joint Chiefs of Staff. At that press conference, General Powell said:

"We have targeted that nuclear facility they have very carefully. I have looked at the bomb damage assessment myself with trained analysts, and I think I can confirm for you that the two operating reactors they had are both gone, they're down, they're finished." (S/22168, annex, p. 10)

It is obvious that a State has informed the Council that it has done something in clear and direct violation of the resolution adopted by the General Assembly subsequent to the Council's adoption of resolution 678 (1990). One can only assume that when the General Assembly resolution was adopted - with affirmative votes of many present around this table who voted also in favour of the Council's resolution - it was because members had decided such things ought not to be done. The International Atomic Energy Agency had clearly enunciated the same position some time earlier.

Is not the Security Council obligated to consider the extent to which there have been violations of those parameters for the use of force authorized in this case by the Council? Is not the Council obligated to meet to consider any measure or idea put forward by any State, even if it does not necessarily pertain to the continuation of the war? It seems to us that "all necessary means" need not be interpreted only as the use of missiles, bombs and bullets. Members may have other views; they may share the opinion we have openly and forthrightly expressed: that the war must stop, that the bombing must stop immediately, and that the Security Council has the obligation to explore other ways and means of resolving the conflict.

(Mr. Alarcon de Quesada, Cuba)

We believe the Council must meet in public, in keeping with the requests made by a number of sovereign States Members of the Organization. It must meet in public also because the war is not the property of the 15 representatives seated at this table; it is of legitimate concern and interest to all States Members of the Organization and a source of legitimate concern and anguish for the peoples of the entire world, which have the right to know the views of the Council - which have the right to follow our deliberations and to see that our consideration of this important subject is taking place not in the dark but in the light of day.

The PRESIDENT: I thank the representative of Cuba for the kind words he addressed to me, my Head of State and my country.

The representative of the United Kingdom has proposed that this meeting be held in private, with the understanding that rule 51 of the provisional rules of procedure of the Security Council will not be invoked on this occasion and that the verbatim record of this meeting of the Security Council will be circulated in all the working languages as an unrestricted document in accordance with rule 49, and that attendance and requests for participation will be treated in the usual manner.

We have also heard statements by the representatives of Yemen and Cuba.

The representative of the United Kingdom has proposed that the meeting be held in private. I shall therefore put that proposal to the vote.

I call first on members wishing to make statements before the voting.

Mr. VORONTSOV (Union of Soviet Socialist Republics) (interpretation from Russian): Permit me first of all to congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of February and to state my conviction that under your leadership the Council's work this month will be effective.

(Mr. Vorontsov, USSR)

I wish also to thank your predecessor, the Permanent Representative of Zaire, for his important work as President of the Security Council for the month of January.

The Soviet delegation supports the proposal that the Security Council meet in private to discuss the situation between Iraq and Kuwait. At the request of a number of States Members of the United Nations, this meeting is taking place at a dramatic moment. The Iraqi leadership persists in its refusal to comply with the resolutions of the Security Council calling for the unconditional and immediate withdrawal of Iraqi troops from Kuwait, despite the hostilities undertaken in accordance with Security Council resolution 678 (1990) to ensure the implementation of the world community's demand.

The Soviet Union is firm in its loyalty to the Council's resolutions and insists on their full and unconditional implementation. That was reaffirmed in the statement made on 9 February by the President of the Soviet Union, Mikhail Sergeiyevich Gorbachev; it is contained in document S/22215, which all members have had an opportunity to see.

The Soviet Union continues to see it as its political and moral duty to do everything it can to ensure the early implementation of Security Council resolutions and an end to the bloodshed. The settlement of the conflict by peaceful means requires that Iraq immediately withdraw its troops from Kuwait. That is precisely the aim of the political efforts of the Soviet Union and a number of other States. Those efforts continue.

Following the personal meeting between Evgeny Primakov and the President of Iraq, held in Baghdad on 12 February, the Iraqi Foreign Minister, Mr. Tariq Aziz, will visit Moscow in a few days' time.

(Mr. Vorontsov, USSR)

In these circumstances, the present meeting of the Security Council, convened at the request of a number of States, should promote Iraq's unconditional compliance with the relevant decisions of the Council. It should serve as a lever of joint influence on Baghdad to come to the only correct solution: a statement that it will withdraw from Kuwait.

(Mr. Vorontsov, USSR)

In our view public debate in the Security Council may be incorrectly interpreted in Baghdad and may thus make more difficult the intensive efforts being made by the Soviet Union and other countries to achieve a peaceful settlement. At the same time we do not exclude the possibility that comprehensive and businesslike discussion of the question of how to arrive at a solution to the Kuwaiti crisis on the basis of the Security Council resolutions in a private meeting of the Council may provide the necessary additional impetus to the diplomatic and political efforts already under way. In tranquil circumstances and free from the public presence, we must attempt to analyse all the questions and ideas in the minds of those who have called for this meeting. We must also raise pertinent questions and have a comprehensive discussion of possible ideas and proposals as to how to begin an intensive search for some peaceful way in which the Council's resolutions can be complied with - that is, Iraq's immediate and unconditional withdrawal from Kuwait - and from that discussion we must then draw the necessary conclusions.

On the basis of the foregoing points, my delegation will vote in favour of the proposal that the Council's further work take place in a businesslike atmosphere in private.

The PRESIDENT: I thank the representative of the Soviet Union for his kind words addressed to me.

Mr. PICKERING (United States of America): First, permit me to congratulate you, Sir, on your assumption of the presidency of the Council and on the leadership you have provided and will, I know, continue to provide to the work of the Council. Let me also thank your predecessor, Ambassador Bagbeni Adeito Nzengeya of Zaire, for his leadership of the Council during the month of January.

(Mr. Pickering, United States)

We are discussing today an important procedural question about how the Council deals seriously with one of the most important issues it has ever had before it. We have been grappling with the question of what next steps the Council should take regarding the Gulf crisis. A wide variety of concerns have been expressed about the need to maintain the integrity of the Council's decisions, the impact of the war, the failure of Iraq to respond to diplomatic overtures and the need for the Council to remain engaged. We have listened carefully, for my Government shares many of the concerns which have been expressed, even if we do not always agree with all of the conclusions.

After having weighed the pros and cons of a variety of options, we have concluded that the interests of all of the members of the Council, and of the Members of the United Nations, can best be served now by a proposal advanced by the Austrian delegation some days ago: the holding of a formal but private meeting of the Security Council. We believe this will enable all who wish to do so to express their views and to exchange ideas in an appropriate setting. At the same time this proposal will enable delegations to get statements on the record if they believe it desirable. But, most of all, I hope that it will offer the opportunity for a serious and constructive discussion, free from the glare of instantaneous publicity and the misinterpretation and misuse to which this meeting might be subject. We have no wish or intent to stifle debate. Indeed, we support this proposal because it will encourage genuine and effective give and take.

We meet at a time of considerable gravity. The Security Council has acted to ensure full Iraqi compliance with its resolutions. It has taken the most difficult of decisions for Member States of the United Nations: to authorize the use of force to confront unprovoked aggression and to achieve a return to international legitimacy and legality. It was compelled to make this decision. A few nations

(Mr. Pickering, United States)

still find it all too easy to turn to violence and aggression to achieve their ends, counting on the acquiescence of others. Unfortunately, Iraq has given the world no reason to believe that it ever intended to comply with the resolutions of the Security Council and the will of the international community.

No one likes the fact that we have been compelled by Saddam Hussein to respond to force with force. There are no greater advocates of peace than those who are called upon to pay the price for defending the principles of international law and conduct contained in the United Nations Charter. Again, we call upon Iraq to withdraw immediately from Kuwait and to comply with the 12 relevant Security Council resolutions. By doing so - and only by doing so - Iraq could end the bloodshed right now, today.

The objectives of the United States and the coalition effort are clear and limited and are set out in the Security Council resolutions. They are: the withdrawal of Iraq from Kuwait, the restoration of Kuwait's legitimate Government and the restoration of international peace and security in the area. Our aims are no broader than to compel Iraq's compliance with the resolutions.

President Bush stated at the outset of coalition activities that we seek neither the destruction of Iraq nor its dismemberment, nor to punish its people for the policy of their leaders. And, despite the propaganda charges to the contrary, never in history have military forces been engaged in battle with so much concern for the limitation of damage to the civilian population. Warfare is indeed a terrible thing. All coalition members are making the maximum effort to avoid civilian casualties. This often means increased risk to our own forces, a cost we are willing to bear. I cannot help but note that this is in stark contrast to Iraq's own policy of deliberately targeting civilian populations for uncertain missile terror attacks. It has also deliberately increased the exposure of its own

(Mr. Pickering, United States)

population by moving military equipment and facilities into civilian areas with the purpose of using innocent Iraqi civilians and their homes as shields against attack.

As President Bush sombrely observed several weeks ago, Americans fight in anger only because we have to fight at all. We did everything we could to avoid this conflict, and we will do our best to bring it to the earliest possible conclusion. Despite the invective to the contrary - some of which we have been subjected to today - this is not a war of hegemony, not a grab for the control of oil reserves and not an attempt to impose an American order on the Arab world. Such foolishness ignores the realities of both Iraqi behaviour and the overwhelming rejection by the Members of the United Nations of that very behaviour. We are in the Gulf, as are the other 30 members of the coalition, to ensure that naked aggression does not succeed. We want to give meaning to the only principles on which a peaceful and prosperous world community can be based. We will stay not one day longer than necessary.

Looking ahead, Secretary Baker outlined on 7 February the expectation of the United States leadership that following hostilities the States of the Gulf themselves and regional organizations such as the Gulf Co-operation Council will take the lead in rebuilding the war-ravaged region and in building a network of new and stronger security ties. No regional State should be excluded from such arrangements.

But what we must discuss today is how the Council will conduct further serious and important discussions on the Gulf crisis. My Government brings one fundamental criterion to this debate: How can we promote the earliest possible withdrawal of Iraq from Kuwait and how can we strengthen the Council's role in achieving this objective? My mathematics may be deficient, but I would like to remind the representative of Cuba that this is something like the 195th day of the war, which began with the Iraqi aggression on 2 August, not the 28th day, as he claims.

(Mr. Pickering, United States)

All of us in this room, and literally thousands and millions of people throughout the world, in dozens and scores of ministries and institutions, have exerted every effort to avoid this conflict. All want it ended as soon as possible, and all agree on one thing: Iraq must leave Kuwait. Iraq's refusal to accept it and its many deeds in contravention of international law make it in a literal sense an outlaw State.

(Mr. Pickering, United States)

Iraq continues to reject every proposal from every envoy seeking peace, including, most recently, Iran and Pakistan. It had already spurned the efforts of the United Nations Secretary-General, the Arab League, the Gulf Co-operation Council and the Organization of African Unity and innumerable bilateral initiatives at the highest levels. Iraq's reaction to the latest Soviet envoy regrettably contains nothing new, and it still refuses to consider or countenance withdrawal. Although efforts will continue, Radio Baghdad on 10 February declared that Iraq rejects the idea of a cease-fire and still insists that the independent nation of Kuwait is an integral part of Iraq. With this as prologue, what, then, is the purpose of this meeting?

With only a few exceptions, no member of the Council is suggesting that it back away from resolution 678 (1990). No one is suggesting that there be a cease-fire without concrete evidence that Iraq will withdraw and comply fully with the Council's resolutions. And all of us, I believe, sincerely seek peace. President Bush has made it clear that he welcomes any mediation effort to convince Iraq to comply fully with the Security Council resolutions and to withdraw its forces from Kuwait.

But there are some States, including Iraq, which are trying to call into question the clear, legal obligations the Council has imposed upon it, and the clear, legal authority granted to the coalition military effort, pursuant to resolution 678 (1990). The Council has acted, and the coalition effort has been undertaken, in keeping with the United Nations Charter. The Council continues to monitor the situation. The United States has submitted frequent, full reports to the Council, as required under resolution 678 (1990).

My country holds that the Council should meet when it is in a position to advance its objectives, and to take action. That is what the international community looks to us for. And, given the continuing refusal of Iraq to

(Mr. Pickering, United States)

acknowledge the validity of the Council's demands, that does not now seem to be the case.

We have yet to have defined for us the purpose of a public debate this afternoon. Is it to explore a cease-fire? Iraq has just made it clear that it is not interested in a cease-fire that is accompanied by withdrawal. A cease-fire without withdrawal is not acceptable. We have no intention of offering Saddam Hussein breathing space in which to regroup his military forces. Nor does he have any need of a pause in the fighting to make the decision that he already needs to make.

Is the purpose of this meeting to exchange information on the military effort? Open scrutiny of coalition efforts occurs every day, with thousands of journalists in the Middle East. The exposure to scrutiny of military operations in the Gulf is indeed unprecedented in history.

At the present juncture, when Iraq remains intransigent and it is not clear what additional steps the Council might take to ensure compliance with its resolutions, our concern is that a meeting will be subject either to misinterpretation or to exploitation. Above all else, we must not do anything which will prolong the conflict, and that, most particularly, includes sending signals, which Iraq will misuse or misperceive, that the Council is not firm in its decisions and is not intent on seeing them implemented.

The signal we must send instead, and keep on sending, is that this body and the international community are resolute and united, as they have been since 2 August. We will not tolerate the unprovoked seizure and attempted obliteration of a Member State of the United Nations. We will not tolerate the outrageous behaviour of Iraqi occupying forces in Kuwait, in contravention of international law. We will not accept the obliteration of Kuwait or the terrorizing or torturing of its people. We will not tolerate indiscriminate terror attacks against

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civilians in Saudi Arabia and Israel. We will not tolerate flagrant violation of the Geneva Conventions relative to the treatment of prisoners of war. And we will not tolerate mindless attacks on the environment. The Council must make it clear that the international community is prepared to do what is necessary to make sure that this aggression, this lawlessness, is not rewarded.

Given the evident and earnest desire on the part of a number of nations for the Council to meet to discuss the Gulf crisis, and notwithstanding our reservations about the genuine usefulness of such a meeting, we shall join with a majority in the Council. We believe that the form of such a meeting should be in keeping with the purpose, which in this case I take to be a serious discussion and exchange of views, commensurate with the importance and sensitivity of the subject. This will also respond to the appeal of a member of the Council that we do nothing now which would endanger its continuing diplomatic efforts to get Iraq to implement the Council's resolutions.

For the reasons I have indicated, we support the Austrian suggestion that we move to a formal private meeting. This will allow non-members of the Council to share their views, while permitting the exchange and circulation of prepared statements that nations may wish to deliver and to make public. It has become clear in recent days that Iraq is fighting a major campaign to discredit this Council, its resolutions, the United Nations and the person and institution of the Secretary-General. Its disregard for the truth is as obvious as its disregard for its neighbours. It is our earnest belief that this formula will meet the concerns which have been expressed in this Chamber, without providing Iraq an opportunity to exploit our debate or to twist the truth.

We again urge Iraq's leadership to turn away from its destructive course and to bring an end to the needless suffering it has inflicted on the people of Kuwait,

(Mr. Pickering, United States)

the people of the international community, and now on its own population. We hope that all States will join us in affirming support for the enforcement of the resolutions of the Security Council, in confirming their support for the Secretary-General and in renewing the call upon Iraq to bring an end to the conflict in the Gulf.

The PRESIDENT: I thank the representative of the United States for his kind words addressed to me.

Mr. GHAREKHAN (India): I should like first, Sir, to express my delegation's deep satisfaction at your assumption of the presidency of the Council for the month of February. Zimbabwe and India have traditionally enjoyed close, friendly relations. In the short space of 13 days you have already made a deep impression on your colleagues by your wisdom and intelligence and by your prompt actions.

I also wish to pay a tribute to His Excellency Ambassador Bagbeni Adeito Nzengeya, Permanent Representative of Zaire, for the exemplary manner in which he presided over the Council during January.

I should also like to take this opportunity to express my delegation's appreciation of the welcome extended to it by the other members of the Council. We shall strive to the utmost to contribute to the promotion of the objectives of the United Nations Charter in the tradition of the foreign policy and principles that India has consistently followed.

Ever since the outbreak of the armed hostilities in the Persian Gulf my delegation has consistently maintained that it is incumbent on the Security Council to remain seized of the matter and continuously to monitor the situation as it develops. That is the Council's generic responsibility, which it specifically assumed under paragraph 5 of resolution 678 (1990).

(Mr. Gharekhan, India)

The war in the Gulf has aroused tremendous concern in the international community. The human and material destruction being suffered by the people of Kuwait and Iraq, the ever-present danger of the war's escalating to higher levels of intensity and engulfing other countries, the ecological disaster that is threatening countries beyond the immediate theatre of operations - all these factors greatly exercise the minds of the Government and people of India.

(Mr. Gharekhan, India)

We are particularly concerned at the possible use of weapons of mass destruction - chemical, biological, nuclear. The use of chemical weapons would be reprehensible and is prohibited by international law; the use of nuclear weapons would threaten the very survival of mankind and has been declared by the General Assembly a violation of the United Nations Charter and a crime against humanity.

My delegation therefore favours the holding of meetings of the Council, on a regular basis, to provide an opportunity for members to review the situation. Indeed, the international community expects no less of the Council. I do not wish to suggest that the Council has been totally inactive during the past four weeks. The Council has tried to keep the matter under review through the instrumentality of informal consultation meetings. This was useful and was in fact first suggested by my delegation. This practice ought to continue. However, the informal meetings cannot be a permanent substitute for official meetings of the Council.

My delegation is deeply concerned that it has not been possible for the Council to meet formally even once on this matter since the expiry of the deadline, on 15 January, set by resolution 678 (1990). This has not reflected well on the prestige of the Council and the United Nations. The Secretary-General also referred to this in his statement to the Council members last week. The perception in which the Council is held by the international community ought to be of concern to the Council; at least, it is of concern to my delegation.

Many delegations - both those of members and those of non-members of the Council - have requested formal, open meetings of the Council to discuss the situation. The Council should welcome this interest on the part of Member States as evidence of the international community's confidence in the Council. In my delegation's view, it would be entirely proper and desirable that the meeting should be public, as is the Council's normal practice. A decision to go against this normal practice should be taken only in very special circumstances, since it

(Mr. Gharekhan, India)

could have the unintended effect of arousing avoidable doubts about the Council's functioning. My delegation is not convinced that circumstances today justify such an exception.

At the same time, my delegation is aware that there are some delegations - some of them not representing members of the Council - that would not like the Council to meet at all. On the other hand, there are several members of the Council that feel that, at least as an initial step, it might be useful for the Council to meet in a private session. My delegation is not unmindful of the preoccupation of those delegations. Should the Council decide, by majority, to convert this meeting into a private one, my delegation will of course respect that decision. The Council's provisional rules of procedure provide for it. But this would be the first time that the Council would have taken such an important decision through a vote. I wonder if such a division in the Council is wise or necessary at this stage.

It is my delegation's expectation that at some point in the near future the Council will revert to its traditional method of meeting in official public meetings.

The PRESIDENT: I thank the representative of India for his kind words addressed to me.

Mr. HOHENFELLNER (Austria): First of all, I should like to congratulate you, Sir, on your assumption of the presidency of the Security Council. Although this is the first time that you have presided over the Council, your leadership qualities are already known from our informal consultations. Let me assure you of our full cooperation. I should now like to thank your predecessor, Ambassador Bagbeni Adeito Nzengeya of Zaire, who exercised the function of President of the Council during the difficult month of January, for his work.

(Mr. Hohenfellner, Austria)

When during our informal consultations, on 24 January, Austria put forward the idea of holding a private formal meeting of the Security Council, we were motivated by the following considerations: to make a compromise suggestion designed to break the deadlock between those who wanted no formal meeting of the Security Council at all as long as relevant Security Council resolutions had not been implemented and those who wanted an immediate public debate; to facilitate the difficult task of the President; to uphold rule 2 of the provisional rules of procedure, since we consider this rule to be of particular importance for the protection of the rights of members of the Security Council who find themselves in a minority; and to accommodate the concerns expressed by members as to the turn a public meeting might take and the wrong signals that it might be perceived to send. In order to give also other States which had already expressed an interest to participate in the debate an opportunity to do so, Austria favoured a liberal use of rule 37. Furthermore, we suggested to waive rule 51, thus allowing the verbatim records of the private meeting to be circulated in the usual fashion.

When we put forward these ideas almost three weeks ago, we were hoping for unanimous agreement by the members of the Council and the speedy convening of such a meeting. Alas, this was not to be. Although our original hopes were not realized, there is still a good case to be made for holding a private meeting. Austria will thus vote in favour. Our position on the substance of the matter will be stated later during the debate.

The PRESIDENT: I thank the representative of Austria for his kind words addressed to me.

Mr. BLANC (France) (interpretation from French): First of all, I should like to extend to you, Sir, my congratulations on the assumption of your country to the presidency. I should like to take this opportunity to thank our colleague His Excellency Ambassador Bagbeni Adeito Nzengeya, Permanent Representative of Zaire, who presided over our work during January.

I should like at the outset to thank you, Mr. President, on behalf of my Government, for your efforts to bring about the meeting our Council will hold. We wish also to thank your predecessor, the Permanent Representative of Zaire, who worked to the same end.

Some States Members of the United Nations, including two members of our Council, have asked for the Council to meet. A meeting must take place when at least one member of the Council has requested it. We also feel that this meeting is strictly in line with resolution 678 (1990), which stipulates that the Council decides to remain seized of the matter. Hence France was in favour of the convening of an official meeting so as to afford everyone an opportunity to state his position.

(Mr. Blanc, France)

From that point of view, the formula of a formal private meeting that has been proposed appears to us to be a good compromise between the views of those who would have preferred the Council not to meet and the views of others who would have preferred a public meeting. This formula is particularly welcome because participation in the debate will take place within the framework of accepted practices under our rules, and the verbatim records of the meetings will be published without recourse being made to the rules of the Council that would make it possible to limit the circulation of these records or to make them confidential.

For those reasons, we shall vote in favour of the proposal that has been made.

We feel, however, that at this stage the Security Council cannot take any concrete measure. Indeed, we must note, to our great regret, that Iraq's persistence in refusing to comply with the Security Council resolutions does not, for the time being, offer us any prospects.

The PRESIDENT: I thank the representative of France for his kind words addressed to me.

Mr. NOTERDAEME (Belgium) (interpretation from French): I should like first to tell you, Mr. President, that my delegation has every confidence about the way in which you will conduct the Council's proceedings this month. I take this opportunity also to express to your predecessor, Ambassador Bagbeni Adeito Nzengeya of Zaire, our sincere admiration for the way he led the Council's work in January.

I shall confine myself now to the procedural question before us. Later I shall have the opportunity to speak on the substance of the problems under discussion.

Belgium will vote in favour of holding a formal meeting of the Security Council on the situation between Iraq and Kuwait. We believe that, in accordance

(Mr. Noterdaeme, Belgium)

with the Charter and the Council's provisional rules of procedure and practices, the Council should grant the request of those States that wish such a meeting.

My country, however, shares the concerns of those who, out of respect for the cohesiveness of the Council's work, would like this meeting to take place in private, but open to the participation of all delegations to the Organization that wish to participate in it.

My Government supports all the current diplomatic efforts designed to prevail upon Iraq to withdraw from Kuwait, in accordance with Security Council resolutions. We hope that the Council's meeting today will fall squarely within that context and will make it possible to give consideration to all useful proposals made to that end, particularly those emanating from the countries that have sought this meeting.

My delegation hopes that in that way the Council's meeting will contribute, responsibly and with restraint, to the achievement of a peaceful and rapid solution to a conflict that began on 2 August last year with the invasion and subsequent annexation of Kuwait.

The PRESIDENT: I thank the representative of Belgium for his kind words addressed to me.

Mr. AYALA LASSO (Ecuador) (interpretation from Spanish): I wish first to tell you, Sir, how pleased the delegation of Ecuador is that you will be presiding over the Security Council during the month of February. You have already demonstrated, during the meetings and talks we have had in the first days of this month, exceptional wisdom and even-handedness. This suggests that under your leadership we shall be able to follow the most appropriate path and attain the goal we all seek - the restoration of peace in the world.

(Mr. Ayala Lasso, Ecuador)

I wish also to express my thanks and appreciation to our colleague the Permanent Representative of Zaire, who demonstrated great diplomatic skill and effectiveness in conducting the Security Council's proceedings last month.

I shall confine myself to expressing the position of the delegation of Ecuador on the procedural point that has been raised at this meeting of the Security Council. Like other representatives, I shall reserve my delegation's right to speak on substantive issues on a subsequent occasion.

As I stated this morning, in a way that I hoped was clear and unequivocal, my country is very pleased at the convening of this meeting of the Security Council. We have always believed that, in accordance with the applicable rules of procedure - in particular, rule 2 - the Security Council must meet whenever a request for a meeting is made by a Member State. In the present case, the request for a meeting of the Council was made by a considerable number of Arab Maghreb countries. Under resolution 674 (1990), the Council is obliged to

> "remain actively and permanently seized of the matter until Kuwait has regained its independence and peace has been restored in conformity with the relevant resolutions of the Security Council". (resolution 674 (1990), para. 11)

Under resolution 678 (1990), the Council must remain seized of the matter.

Consequently, it was obvious to the delegation of Ecuador that the Council had to meet, and to meet formally, to consider the item now before us. The Council has not met formally for a little more than two months now on the situation in the Gulf - a situation that has become more serious, indeed tragic, with every day that passes. Although the Council has dealt with the subject in many informal consultations that have taken place, Ecuador believes that the time has come for the Council to devote itself in a formal meeting to this complex subject, about which all the peoples of the world have expressed their concern and anxiety. It is

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obvious that on so delicate and important an item not all the views will be the same. That is only natural because this situation is considered from differing political points of view. But we wish to state that the expression of differing views must not be taken as sending a mixed signal to anyone. On the contrary, it is an eloquent, positive demonstration that the United Nations, one of whose organs is the Security Council, was conceived as a forum for discussing and seeking ever-wider agreements in a democratic and constructive spirit.

(Mr. Ayala Lasso, Ecuador)

In proceeding in this way, our Organization is growing stronger, as is the common conviction that there are certain general principles we are all defending, on the basis of which we may well express different views to achieve a common objective: peace among all peoples and nations.

For these reasons, this morning I stated, and I state again now, that Ecuador would prefer a public meeting of the Council. We see no adequate reason for us to opt for a private meeting, which is also a possibility under the applicable rules. Nevertheless, if the majority in the Council should so decide, Ecuador would accept that democratic result and would not stand in the way of a private meeting of the Council.

The PRESIDENT: I thank the representative of Ecuador for his kind words addressed to me.

Mr. ALARCON de QUESADA (Cuba) (interpretation from Spanish): Clearly, Ambassador Pickering and I studied the same maths, and I know the conflict began 195 days ago. It would, however, be disingenuous indeed on Ambassador Pickering's part for him to assume he could convince anyone - with or without television - that what has been happening since 16 January is not something new and quite different from what was happening before.

From a certain point of view, I also agree with him that the war unleashed on 16 January truly did begin 195 days ago, when the United States began on the one hand to deploy its military forces and on the other to manipulate this organ of the United Nations.

With regard to the objective of those of us who asked for this meeting, let me, for my part, repeat what I said earlier. We have been very frank in our communications to the President of the Council. We requested a meeting of the Council some time ago to discuss, to exchange views and to hear differences of opinion - something that in our opinion is not wrong or condemnable, something

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that should not cause fear in those who claim they are speaking on behalf of the international community.

To sum up, we propose that this Council, so obedient in facilitating war, now give peace a chance.

Mr. BAGBENI ADEITO NZENGEYA (Zaire) (interpretation from French): Though I am speaking during a voting procedure, I could not fail to extend to you, Sir, the congratulations of my delegation on your accession to the presidency of the Security Council for the month of February. I would also take this opportunity to thank you sincerely for the kind words you addressed to me as your predecessor.

The background and circumstances of the Persian Gulf war are of course well known to everybody here. A member of our Organization, Kuwait, was on 2 August occupied and annexed by a militarily powerful neighbour having considerable human and material resources. Article 24 of the Charter states:

> "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

Under that Article, the Council considered the situation that had arisen due to the occupation and annexation of a Member of the Organization. It adopted 12 resolutions calling on the occupier, another Member of the Organization, to comply with Article 25 of the Charter, which states:

> "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

In so doing, the Council had the support of a very large number of Members of the Organization and of the Secretary-General in its démarches, actions and efforts

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aimed at persuading the occupying Power to order the withdrawal of its forces from Kuwait before 15 January 1991 in order to allow a peaceful and lasting settlement of the situation.

These initiatives and acts of good faith continue and are being stepped up through the good offices of the USSR, the 15 non-aligned countries and other Member States whose major concern remains the liberation of Kuwait, the restoration of the legitimate Government of that country and a lasting peace in the region.

My delegation continues to hope these diplomatic efforts will succeed so that an end can be put to the hostilities in the Persian Gulf.

Until these actions yield the hoped for and desired results, my delegation believes that the Security Council, which is still seized of the item "The situation between Iraq and Kuwait" under paragraph 5 of resolution 678 (1990), should actively follow the development and evolution of the situation in the Persian Gulf in connection with the implementation of the 12 resolutions it has adopted.

How can it discharge its mandate as a decision-making body? It must bear in mind its paramount responsibility to ensure that its resolutions are followed up and implemented.

The Council has several paths open to it. Unless it decides otherwise, it can meet in public under rule 48 of the provisional rules of procedure. But bearing in mind the diplomatic démarches of the Special Envoy of the USSR, Mr. Primakov and the 15 non-aligned countries, and the desire of the members of the Council to consider the situation in the Persian Gulf region in an atmosphere of serenity and resolve to explore and constructively seek new peaceful means of settling the conflict, my delegation feels a formal private meeting of the Council would enable

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its members to state their views and make their suggestions within the context of a fruitful exchange of views. The goal of course is a halt to the hostilities, to be immediately followed by the liberation of Kuwait and the restoration of peace to the Persian Gulf region.

As has so well been said by the representative of France, as President of the Council for January I worked along these lines with a view to such a compromise, which was almost achieved.

For all of these reasons, my delegation wholeheartedly supports a formal private meeting of the Council as proposed by the representative of the United Kingdom.

The PRESIDENT: I thank the representative of Zaire for his kind words addressed to me.

I shall now put to the vote the proposal made by the representative of the United Kingdom that this meeting of the Security Council be continued in private.

A vote was taken by show of hands:

In favour: Austria, Belgium, Côte d'Ivoire, France, Romania, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire

Against: Cuba, Yemen

Abstaining: China, Ecuador, India, Zimbabwe

The PRESIDENT: The result of the voting is as follows: 9 in favour, 2 against and 4 abstentions. The proposal has therefore been adopted.

Keeping in mind the decision just taken, I propose to suspend the meeting now and resume it tomorrow morning at 11 o'clock. The agenda will be revised to reflect the private character of the meeting.

The meeting was suspended at 7.15 p.m.